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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA, JR., CAL/EPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Ms. Sheila Kuehl

Ms. Margo Reid Brown

BOARD MEMBER ALSO PRESENT

Mr. John Laird

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Ms. Rubia Packard, Chief Deputy Director

Mr. Michael Bledsoe, Staff Counsel

Mr. Mustafe Botan, Staff

Ms. Marie Carter, Senior Staff Counsel

Mr. Michael Chen, Staff

Mr. Mark de Bie, Division Chief, Permitting and LEA
Support Division

Mr. Ken Decio, Staff

Mr. Raffy Kouyoumdjian, Staff

Ms. Jill Larner, Staff

Ms. Kathy Marsh, Supervisor, Minimum Content Compliance

Ms. Cara Morgan, Division Chief, Local Assistance and
Market Development

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Mr. Trevor O'Shaughnessy, Branch Manager, Jurisdiction & Minimum Content Compliance Branch

Mr. Ted Rauh, Program Director, Waste Compliance and Mitigation Program

Ms. Lorraine Van Kekerix, Division Chief, Compliance Evaluation and Enforcement Division

ALSO PRESENT

Mr. Evan Edger, CRRC

Ms. Nancy Ewart, Kern County

Mr. Peter Krasnoff, Truckee Sanitation District

Mr. George Larson

Mr. Patrick Mathews, Salinas Valley Solid Waste Authority

Mr. Dale Neiman, Clearlake

Mr. Michael Remington, Imperial Irrigation District

Mr. Scott Smithline, Californians Against Waste

Mr. William Snyder, City of Oceanside

Mr. Frank Steenport, City of Huron

Ms. Susan Warner, Salinas Valley Solid Waste Authority

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good afternoon, everyone.

3 Welcome to the February meeting of the Permitting and
4 Compliance Committee.

5 We have agendas on the back table. And we also
6 have some speaker slips. So if anyone would like to
7 address the Committee, please fill one out and bring it up
8 to Donnell, and you will have the opportunity to address
9 us.

10 Also I would like to remind everyone to please
11 turn off or put in the silent mode your cell phones and
12 pagers.

13 And with that, Donnell, would you please call the
14 roll.

15 EXECUTIVE ASSISTANT DUCLO: Brown?

16 COMMITTEE MEMBER BROWN: Here.

17 EXECUTIVE ASSISTANT DUCLO: Kuehl?

18 COMMITTEE MEMBER KUEHL: Here.

19 EXECUTIVE ASSISTANT DUCLO: Mulé?

20 CHAIRPERSON MULÉ: Here.

21 Before I go any further, I would like to note we
22 have Board Members Petersen here as well as Board Member
23 Laird. Thank you for being here.

24 And before I go any further, I would also like to
25 welcome Member Kuehl as a member of the Committee.

1 Welcome.

2 COMMITTEE MEMBER KUEHL: Thank you very much.

3 CHAIRPERSON MULÉ: And also I'd like to introduce
4 her advisor, if you could, Jennifer Richard.

5 COMMITTEE MEMBER KUEHL: Thank you. I'm very
6 pleased that I have an advisor. Even though we get all
7 the credit, we don't actually know anything. It's our
8 advisors who do. And Jennifer Richard worked with me in
9 the Assembly and the Senate for 14 years, which is all the
10 years that I was in the Legislature. She was responsible
11 for virtually every good piece of legislation that I got
12 through and especially signed. And I'm very, very happy
13 that she decided -- since she had a lot of offers from the
14 Legislature that she decided to come to the Waste Board.
15 She'll be a great asset. So welcome, Jen.

16 CHAIRPERSON MULÉ: Welcome. And we think you'll
17 be a great asset. So welcome aboard. And thank you for
18 being here today.

19 There is just one note to make. Item 4,
20 Committee Item D, will be heard at the full Board. So
21 it's Board Agenda Item 4 that will be heard at the full
22 Board meeting next week.

23 So with that, let's proceed to our Program
24 Director's report. We'll start with Ted. Good afternoon.

25 DEPUTY DIRECTOR RAUH: Thank you, Chair Mulé.

1 Ted Rauh, Program Manager for the Waste Compliance and
2 Mitigation Program. Have several items I wanted to bring
3 to the Committee's attention today.

4 The first is the successful completion of staff
5 effort on the Golden Guardian 2008 debris management
6 exercise. That effort did start last year and was
7 completed this year. A lot of effort by the staff here at
8 the Board to coordinate the effort. As a result, the
9 exercise looked at a 7.8 magnitude earthquake in the Los
10 Angeles area, creating over 5.5 million tons of debris and
11 developed strategies and tactics for how to deal with that
12 in a recovery mode. The first time a recovery mode has
13 been part of the Golden Guardian exercises. A lot was
14 earned.

15 Staff brought together folks from local
16 government throughout the southern California area as well
17 as San Francisco bay area to participate in the exercise
18 and learn. And as a result, prepared a report that has
19 gone to the State. We have a new emergency management
20 entity there now, the California Emergency Management
21 Agency. And so the results of that exercise have been
22 forwarded on to them.

23 Along with the report, we also recommended that
24 that agency with our help if they desire work with FEMA to
25 develop some protocols to manage these kinds of debris

1 issues in advance of the next fire season. As you know,
2 each time the Board has been involved, Board staff and
3 Board have been involved in these things, we've learned
4 more. And each time, we've tended to run into some of the
5 same problems associated with contractor procurement
6 associated with how local governments manage the debris
7 the relationship for funding between FEMA and the State
8 when these local governments are carrying out these
9 activities.

10 And finally, the important aspect of the federal
11 government recognizing the determination of an
12 emergency -- not an emergency, but a health threat posed
13 by the ash as a result of these activities.

14 So we put that in our report that it's very
15 important that the State initiate those kinds of
16 conversations with FEMA and establish those protocols now
17 so we know what the game plan is. We don't have to fumble
18 around each time there is another emergency.

19 So we made those -- you have made those
20 recommendations before. So we basically put them in this
21 report as another brick hopefully building the wall to do
22 a better job on these things in the future.

23 Also wanted to bring your attention to our
24 progress on landfill gas program plan implementation. The
25 statistics have not changed much since our last weekly

1 report. Staff has concurred with 27 plans and deemed
2 acceptable nine. What we have done since our last report
3 is triaged the remaining jurisdictions and landfills that
4 have not submitted their plans yet. There are only three
5 landfills that have not submitted their plan. And we're
6 sending out a special enforcement related letter with the
7 LEAs to those landfills. All the others are now in some
8 form of review.

9 And we also have identified a number of wood
10 waste landfills that are of the smaller variety. And
11 we're sending out communication that will both talk about
12 the regulation changes that change the time frames for
13 filing, but also provide them with additional information.
14 So hopefully they will be able to come through the process
15 and either get an exemption if they're allowed to or in
16 fact will get their plans turned in in a timely fashion.
17 So progress made there. We only have three now that we're
18 working to get into the process.

19 I reported several times on auto shredder waste.
20 The current status of auto shredder waste is that DTSC has
21 extended the period of time for the industry to come in
22 and present technical arguments that the solidification --
23 well, the chemical processes that have been used in the
24 past to make that waste non-hazardous in fact should still
25 continued to be treated that way. At this point, it looks

1 like we'll be looking at the mid to end of March before a
2 final decision will be reached. But we have worked with
3 DTSC to prepare a letter which they've sent to all of
4 California landfills that are involved with this auto
5 shredder waste so they fully understand what they may be
6 facing and what the regulatory process will be if a
7 decision is made to define that waste as hazardous.

8 Also wanted to talk quickly about the Phase 2
9 long term financial assurance regulations. We have
10 anticipated starting the public process or review process
11 for those regs. Staff's been working very hard to
12 complete the financial assessment document and has
13 accomplished that. We've also put together the other
14 regulatory documents that have to go through the formal
15 review process for the regs to actually be noticed. We
16 currently hope to provide OAL all that material today.
17 And if so, then the public notice will begin on the 27th
18 of February. So we're racing real hard to get that
19 document in today.

20 Also wanted to give you a quick and positive
21 update on Coal Creek composting site. As the older Board
22 members remember, this is a site that came --

23 BOARD MEMBER LAIRD: Longer serving.

24 DEPUTY DIRECTOR RAUH: Older in terms of service.

25 Thank you very much.

1 That's what happens when you get to my age, you
2 have these slips all the time.

3 COMMITTEE MEMBER KUEHL: I resent that.

4 BOARD MEMBER PETERSEN: Keep going, Ted.

5 DEPUTY DIRECTOR RAUH: Deeper into the abyss I'm
6 going right now.

7 Anyway, the Board directed staff to carry out
8 inspection program on this site because there were issues
9 associated with its compliance. There was an order -- a
10 court order associated with it. And so staff with the LEA
11 have been carrying out inspections from March of 2008
12 until December of 2008. And through that process a lot of
13 good has occurred at the facility. One of the major
14 concerns there have been odor complaints. And since
15 September, there hasn't been a single verified odor
16 problem with the site.

17 Another major issue had to do with the way storm
18 runoff was treated. There was no Water Board approved
19 catch basin or leachate control system. Those have been
20 put in place and are successfully operating and were done
21 so before the rainy season this year.

22 So basically, I guess to summarize we've seen a
23 generally improving track record at this facility through
24 the inspection process to the point in which a
25 modification has been made to the permit and the order by

1 the court has been amended and new best management
2 practices put in place. And generally we're seeing a
3 fully compliant facility at this point.

4 So I think a combination of the Board's direction
5 for staff to carry out this enforcement efforts by
6 facility themselves and then team work between the LEA,
7 the Water Board, and ourselves have on gone a long way to
8 improving and providing continuing operation of a very
9 valuable composting site.

10 So last item is SWIS dip, which is our effort to
11 make the inspection report a computerized filing. And
12 that has also been moving forward. Have not had a
13 significant number of LEAs jump on the wagon with us when
14 we announced it. We have four now who are participating.
15 But the major breakthrough has just occurred in that the
16 major vendor who provides the enforcement software for
17 LEAs across the state has just announced that they are
18 going to incorporate our electronic inspection form as a
19 normal part of their software. And we're expecting that
20 by the end of this month or early March it will simply be
21 a feature of that program. And so everyone who has that
22 program will automatically be able to start electronic
23 processing. So we're very pleased with that.

24 And that basically concludes my report today.

25 CHAIRPERSON MULÉ: Great. Questions?

1 Board Member Kuehl.

2 COMMITTEE MEMBER KUEHL: Just on that last item.

3 Is there someone on our staff who can verify that the way
4 in which the forms incorporated in the software actually
5 reflects the form? Because in other arenas, not in any of
6 the EPA or the Agency boards, but other arenas we found,
7 you know, unless you know what really goes in, you can't
8 really be sure what comes out.

9 DEPUTY DIRECTOR RAUH: There are two ways that I
10 think we are set up effectively. The first is that for
11 the electronic transfer, we've established a specific set
12 of data points and definitions for those points. So those
13 can't be modified in any way or our system won't accept
14 them. And that's basically what's being put into their
15 system.

16 And secondly, our own IT staff are intimately
17 involved with that process understanding the vendor and
18 have been in consultation with the vendor all along. So I
19 think we have that covered in this case.

20 COMMITTEE MEMBER KUEHL: Thank you.

21 CHAIRPERSON MULÉ: Any other questions?

22 Thank you, Ted. It was a good report.

23 Appreciate it. Very pleased to hear the progress on Coal
24 Creek compost facility. Good work. Thank you.

25 Okay. Let's move into our agenda today. First

1 item is Committee Item B, Agenda Item 1. Cara.

2 DIVISION CHIEF MORGAN: Cara Morgan, Local
3 Assistance Market Development Division. I'm here
4 representing Howard today. And I'll be introducing the
5 item and turning it over to Jill Learner.

6 I'd like to mention that we have submitted a
7 minor revision to the item on page 2. We struck out "food
8 waste" under the description for the facility.

9 Public Resources Code Section 41700 through
10 41721.5 require counties to prepare a county-wide siting
11 element that describes areas that may be used for
12 developing new disposal facilities.

13 PR Section 41721.5(a) specifically states, "Any
14 amendments to the county-wide siting element shall be
15 approved by the county and by a majority of the cities
16 within the county which contain a majority of the
17 population of the incorporated area of the county."

18 In addition, PRC Section 40912(e) requires a
19 county-wide siting amended after January 1, 2003, to
20 include a description of the actions taken by the county
21 to solicit public participation by the affected
22 communities, including, but not limited to, minority and
23 low-income populations.

24 Kern County has amended its county-wide siting
25 element by identifying, describing, and including the HM

1 Holloway Landfill, an existing landfill.

2 Presenting this item is Jill Learner.

3 MS. LEARNER: Good afternoon. Jill Learner,
4 Local Assistance and Market Development Division.

5 The HM Holloway landfill has operated as a mine
6 reclamation project since 1993. And as such, the project
7 was subject to an exemption from a solid waste facilities
8 permit.

9 In 1998, the Kern County Environmental Health
10 Service Department acting as the LEA determined that to do
11 an increase in the waste streams accepted and proposed
12 facility expansion at the time the previous exemption from
13 solid waste permitting was no longer valid, and notified
14 HM Holloway, Incorporated, that it needed to apply for a
15 full solid waste facilities permit.

16 In order to receive a solid waste facilities
17 permit, the project must be included in the Countywide
18 Siting Element. And, therefore, the County's amending the
19 siting element to include HM Holloway Landfill.

20 During this amendment process, the County and six
21 Cities adopted resolutions of approval supporting the
22 amendment. The city of Delano opposed the amendment. An
23 electronic copy of the letter from the city of Delano
24 addressing the reasons they opposed to amendment was
25 provided to you in your item package.

1 Although this city of Delano opposed the
2 amendment, the amendment was approved by the County and a
3 majority of the cities with a majority of the population
4 in the incorporated areas of the county. And therefore,
5 the approval requirement was met during the amendment
6 process. And the county has adequately addressed all of
7 its requirement for its Countywide Siting Element.

8 A corresponding agenda item for the proposed
9 permit for this facility will be on a future Board agenda.

10 And staff is recommending approval of the item.
11 And we have representatives from both Kern County and HM
12 Holloway Landfill today if there are any questions.

13 CHAIRPERSON MULÉ: Thank you, Jill.

14 Do we have any questions for staff or for -- we
15 have Nancy Ewart here from Kern County. There you are in
16 the back. Hi.

17 We also have Ken Hersh, Mike Phillips, and Mike
18 Kelly here. Does anyone wish to address the Committee on
19 this item?

20 I have a question for staff or maybe for the
21 landfill and the county as well. Where the concerns by
22 the city of Delano addressed? We all received a copy of
23 the letter. So I was just wondering if their concerns
24 were addressed? And if so, how were they addressed?

25 DIVISION CHIEF MORGAN: I think it would be best

1 if the County addresses that.

2 CHAIRPERSON MULÉ: Nancy, come forward, please.

3 MS. EWART: Good afternoon. My name is Nancy
4 Ewart. I'm the Engineering Manager with the Kern County
5 Waste Management Department.

6 The City Council of Delano voted to not approve
7 the amendment to the siting element based on a
8 philosophical position against the importation of waste
9 from outside Kern County.

10 The city felt this project was against the spirit
11 of Measure E, which had been passed by a majority of the
12 county voters which basically would have kept biosolids
13 out of the county.

14 The City Council was unwilling to accept the CEQA
15 process had included full mitigation for the air quality
16 traffic and other potential impacts.

17 The city just felt they needed to voice their
18 opinion. They have since had conversations with HM
19 Holloway on a number of different projects.

20 But I think basically the spirit of the siting
21 element and going through the process met with the State's
22 requirement.

23 I will let you know one other thing, and that is
24 the city of Arvin just did not take action on the proposed
25 amendment. The city felt it had no impact on the city,

1 and therefore they assumed it was approved. They approved
2 the amendment by default.

3 CHAIRPERSON MULÉ: Thank you.

4 Do we have any other questions?

5 Thank you, Nancy.

6 COMMITTEE MEMBER BROWN: I move Resolution
7 2009-21.

8 COMMITTEE MEMBER KUEHL: Second.

9 CHAIRPERSON MULÉ: Moved by Member Brown,
10 seconded by Member Kuehl.

11 Donnell, please call the roll.

12 EXECUTIVE ASSISTANT DUCLO: Brown?

13 COMMITTEE MEMBER BROWN: Aye.

14 EXECUTIVE ASSISTANT DUCLO: Kuehl?

15 COMMITTEE MEMBER KUEHL: Aye.

16 EXECUTIVE ASSISTANT DUCLO: Mulé?

17 CHAIRPERSON MULÉ: Aye.

18 We will put that item on consent. Thank you,
19 Cara and Jill.

20 Next item, Board Agenda Item 2, Committee Item C.

21 DEPUTY DIRECTOR RAUH: Thank you, Chair Mulé.

22 Item C is Consideration of the 2005-06 Biennial
23 Review Findings for the Source Reduction and Recycling
24 Element and Consideration of Issuance of Compliance Order
25 for the city of Clear Lake in Lake County.

1 Board staff is bringing forward its biennial
2 review findings that the city has failed to adequately
3 implement its diversion programs.

4 Here to present the item is Raffy Kouyoumdjian.

5 MR. KOUYOUMDJIAN: Good morning, Madam Chair
6 and -- good afternoon, Madam Chair and Board members.

7 My name is Raffy Kouyoumdjian of the Jurisdiction
8 Compliance and Audit Section.

9 Board staff is bringing forward its biennial
10 review findings that the city of Clearlake in Lake County
11 has failed to adequately implement its diversion programs.

12 This is how staff conducts its review. Staff
13 reviewed the city program implementation and diversion
14 rates using available information from the City's annual
15 reports, waste hauler tonnage reports, solid waste
16 disposal activities reports, and Board databases.

17 Staff also gathered information about the City's
18 past and current diversion effort through on-site
19 observations, consultations, telephone calls,
20 correspondence, and visits with city staff, the city's
21 franchise hauler and the city's primary waste handling
22 facility. In addition, Board staff asked for and reviewed
23 all available 2007 data and reports, thereby establishing
24 trends of current program implementation.

25 Based on staff's complete independent analysis,

1 staff has determined that the city has failed to
2 adequately implement its diversion programs.

3 In determining compliance with the waste
4 diversion mandates that directs the Board to consider
5 both: One, a jurisdiction's efforts to implement this
6 program selected in the Source Reduction and Recycling
7 Element; and two, jurisdictions achievement of diversion
8 rate.

9 The City's residential and commercial diversion
10 programs are deficient. It is essential the city's
11 residential and commercial programs be strong, because the
12 city's residential sector generates 27 percent of the
13 city's waste stream, and the city's commercial sector
14 generates 73 percent of the city's waste stream.

15 Pages 4 and 5 of the agenda item provides details
16 of the deficiencies that Board staff observed.
17 Additionally, Attachment 1, a photo report visually
18 documents the deficiencies in the City's potential
19 diversion efforts. The City's diversion programs are not
20 providing sufficient reductions in disposal to enable the
21 city to achieve the diversion requirements of Public
22 Resources Code 41780.

23 Diversion rates are an indicator of diversion
24 program effectiveness. The City's 2005 and 2006 diversion
25 rates are 45 and 38 percent respectively.

1 Board staff recommends the issuance of a
2 Compliance Order that will require the city to work
3 directly with Board staff to develop a Local
4 Implementation Plan. This Local Implementation Plan will
5 identify a strategy for program enhancements and local
6 actions necessary to enable the city to achieve the
7 diversion requirements.

8 I would like to thank Terry Brennan and Michael
9 Paine of the Local Assistance and Market Development
10 Division for their assistance with this item.

11 Representatives of the city are present to make a
12 presentation and answer any questions.

13 This concludes my presentation. Staff is
14 available to answer any questions you may have. Thank
15 you.

16 CHAIRPERSON MULÉ: Thank you, Raffy.

17 I think what we'll do is hear from Dale Neiman
18 from the city first and then take questions from the
19 Committee.

20 Good afternoon. Please state your name for the
21 record.

22 MR. NEIMAN: Dale Neiman.

23 I appreciate the supported that we received from
24 Raffy during his visits. I've been there about two years
25 now, and we have some unique challenges.

1 In 1990, we had 4.22 pounds per person of waste
2 disposed. And the reason that number was so low is
3 because a lot of people burned their trash. And there was
4 a lot of illegal dumping in the community. We were about
5 half the statewide average, and it would be very difficult
6 to starting with such a low number to meet the 50 percent
7 diversion. But we support that.

8 Another problem that we have is there's a
9 recycling facility called Quackenbush. Our public works
10 staff took 50 tons there of green waste last year, but
11 there's no way it's a private entity. And there's no way
12 to count and get credits for any diversion for people
13 self-hauling up there.

14 And the biggest problem that we had is the
15 financial condition of the city. When I got there, put
16 together the first budget we had five million in
17 expenditures and four million in revenues. And since
18 then, we've eliminated four police officer positions, the
19 community development director position, two public works
20 positions. And that amounts to twelve percent of the
21 staff.

22 I think the council supports mandatory
23 collection. But the problem that we have is there's no
24 way to collect the bad debts that we're aware of. And I
25 think that would be significant for our waste hauler.

1 Clearlake is different, and there are a lot of
2 problems we're working on trying to solve. But one of the
3 problems is that income levels. In 2000, the household
4 average income was less than \$20,000. We have a very high
5 proportion of residents that are retired on
6 Social Security or on disability and have a very low
7 disposable income. California at the same time almost
8 \$50,000 household income.

9 We have a significant problem in town related to
10 illegal dumping. It's a city-wide problem. The Public
11 Works Department does the best job they can to clean it
12 up. We've got four public works employees. They're
13 responsible for maintaining 115 miles of streets, plus all
14 the other things. And 49 miles of those streets are dirt
15 roads.

16 The problem -- we've tried doing some recycling
17 on some of the things we've done. But on the illegal
18 dumping sites like last year, we had 43 illegal sites that
19 we cleaned up. And you can't go through that material and
20 really recycle it, because it may have been left out there
21 for months.

22 The other -- there's a lot of people in town that
23 need better housing. And we have an active housing
24 rehabilitation loan program where -- it's basically
25 they're all deferred loans. They're paid back when the

1 property sales.

2 And basically the main thing that we're doing is
3 taking mobile homes that are uninhabitable, taking them to
4 the dump and putting in new noble home for the people.
5 And in most of those cases, we have minimum requirements
6 for the financing. And if we -- based on what I've seen
7 today, if we recycle -- try to recycle those mobile homes,
8 the people won't qualify in many cases for the loan, and
9 they'll end up living in a house that's not inhabitable.

10 CHAIRPERSON MULÉ: Excuse me. If I could
11 interrupt. We were just wondering how would they not
12 qualify if you were to the recycle mobile home, because I
13 would think there's some value in that metal.

14 MR. NEIMAN: We went out to bid last year on some
15 property abatements, and we basically had them bid on
16 recycling and not recycling. And the cost on the
17 recycling went up by about \$7500, if I remember correctly.

18 The problem is on our loan program, to qualify
19 for a loan, you have to have a ten percent equity in your
20 house. The only equity these people have is in the real
21 property. And so we require -- so if we recycle -- I'm
22 not saying this would happen every time. But if we
23 recycle those mobile homes, the cost goes up. I think the
24 number of people won't qualify for a new home.

25 COMMITTEE MEMBER BROWN: That doesn't make sense

1 if there's ten percent equity and it's mostly in the
2 property, the value or the cost of recycling should factor
3 into the loan I would assume, if it's ten percent.

4 MR. NEIMAN: It's the contractor. We have to pay
5 the contractor prevailing wages to clean the property,
6 recycle the mobile home, and they're making roughly
7 probably 30 to \$40 an hour.

8 COMMITTEE MEMBER BROWN: So you're saying that is
9 assessed to the value of the property?

10 MR. NEIMAN: That's the cost to the loan.

11 What happens is the cost of demolishing the
12 mobile home and taking it to the dump, that cost goes up.
13 They have less equity in the property. So they need a
14 loan to value -- we use 90 percent, and on a lot of these,
15 they're like in the high 80s, low 90s. So that's the
16 problem that we run into.

17 The other thing that we started last year, I
18 think for the community to improve, we need a very active
19 code enforcement program. Just to give you an idea, we
20 ramped that program up. Last year, we did 559 nuisance
21 abatement cases. We red tagged 86 buildings. And we
22 demolished in 2008 33 buildings. And we only have a
23 limited amount of money to do the building abatement.

24 And again, it's paying the prevailing wages.

25 COMMITTEE MEMBER BROWN: Do you recycle those

1 when the city goes in and demolishes the building, do you
2 require your builder to recycle and C&D?

3 MR. NEIMAN: It's the contractor that we hire.

4 COMMITTEE MEMBER BROWN: But it's your option to
5 require that in a local ordinance for the developer going
6 in --

7 MR. NEIMAN: We're actually going out signing the
8 properties that are red tagged, which means they're
9 uninhabitable, and we're hiring the contractor to go in
10 and demolish the buildings.

11 COMMITTEE MEMBER BROWN: I understand that. But
12 it's still within your authority to require those people
13 you contact with to recycle the materials when they
14 demolish the buildings. A lot of what you've done and the
15 successes that you've had over the years is because of
16 your C&D. So I would assume that that would be where you
17 would continue your efforts and make sure that some of the
18 recycling is being done.

19 MR. NEIMAN: Well, here's what happens. We have
20 dilapidated buildings. There is a substantial number of
21 them in town. We have a limited amount of money,
22 because we have to front the money. And we're doing about
23 \$100,000 a year is what we're budgeting.

24 And based on some of the estimates that I've seen
25 if we require our contractors to do recycle, we won't be

1 able to do as many, because the cost goes up. The labor
2 costs -- the labor cost is higher than what you recover in
3 your materials.

4 But anyhow, that's all I had. And I've got --
5 like I said, I appreciate Raffy's help. And I've got some
6 photographs in this document to show you some of the
7 challenges that we're facing.

8 COMMITTEE MEMBER BROWN: Mr. Neiman, thank you
9 for putting the material together for us. And, you know,
10 we certainly do appreciate that rural jurisdictions have
11 unique challenges that they need to overcome. And it
12 seems to me that this is the perfect time where we can
13 come in and provide the assistance to help you implement
14 programs and look for options to expand your recycling
15 within the parameters and the restraints that exist as a
16 rural community.

17 So I just want to thank you for being here.
18 Thank you for providing this to our staff. And we look
19 forward to working with you and helping you through some
20 of these significant challenges.

21 CHAIRPERSON MULÉ: Board Member Kuehl.

22 COMMITTEE MEMBER KUEHL: I agree. Thank you for
23 the testimony.

24 I also think that it's generally the case that
25 individual jurisdiction is not the only one that has

1 certain circumstances they believe are unique. Across all
2 the jurisdictions in California, there may be several who
3 have found various ways of educating their folks, imposing
4 help, incentives, or rules.

5 So I think just in terms of the proposed
6 Compliance Order, the whole point of it I think is to help
7 find significant ways to improve that work for your
8 jurisdiction. And I hope you'll find it to be the same.

9 MR. NEIMAN: Like I said, I appreciated all the
10 help that Raffy had. And where I used to work, we had a
11 half-time person that was a solid waste coordinator, but
12 you know, we just simply don't have it here. So we're
13 looking for all the help we can get from Raffy. Like I
14 said, I appreciate the discussions with him when he's
15 visited us.

16 CHAIRPERSON MULÉ: We do have another speaker on
17 this issue, Mr. Evan Edgar.

18 MR. EDGAR: Chair and Board members, my name is
19 Evan Edgar, the engineer for Quackenbush Mountain Compost
20 and C&D.

21 I got off the phone with Bob Pestoni, up at
22 Quackenbush right now, and they do track all the green
23 waste by tons and by jurisdiction. So whoever does take
24 green waste to Quackenbush Compost does get due credit and
25 have been ever since they opened two years ago.

1 And for mobile homes, we have a price of \$1,000
2 per mobile home. I don't know where \$7,500 comes from,
3 but at Clover Flat Landfill today, if you were to take a
4 mobile home to get recycles, it's \$1,000. And Quackenbush
5 will be open later on this May to take mobile homes around
6 the same price range.

7 So it's a fully permitted facility for C&D. And
8 starting this May, we'll be taking food waste. The Waste
9 Board granted a permit for Quackenbush's food waste
10 composting a couple months ago. So we'll be looking into
11 working with the city of Clearlake to take food waste with
12 their green waste and they get credit for that, too.

13 On behalf of Bob Pestoni, thank you.

14 CHAIRPERSON MULÉ: Thank you, Evan. That was
15 very helpful and useful information for us. Appreciate
16 that.

17 I, too, want to echo the comments of my fellow
18 Committee members. Mr. Neiman, I do appreciate your being
19 here and sharing your challenges. I've worked with rural
20 jurisdictions in a number of states, so I do understand
21 your challenges with your level of income of your
22 residents, with the limited resources you have, with your
23 problems with the illegal dumping. I do understand all of
24 those.

25 By the same token, there is a law on the books

1 which requires all jurisdictions to meet the 50 percent
2 diversion mandate of AB 939, and there are a majority of
3 jurisdictions have met the mandate. So the Compliance
4 order as stated by my fellow Committee members is really a
5 tool to help you. We're here to help you meet that
6 50 percent diversion requirement.

7 In looking at the information that we have,
8 there's two things that just jump out at me. You really
9 need a comprehensive public outreach and public education
10 program, which is sorely lacking. And hopefully that's
11 something we can help you with.

12 On the other hand, you have an issue with
13 voluntary and non-mandatory or non-universal collection.
14 I think that's something else that's going to help you
15 with your program implementation.

16 So please accept this as an olive branch, because
17 we do want to help you meet your diversion requirement.
18 Thank you.

19 Any other questions or comments?

20 Do I have a motion?

21 COMMITTEE MEMBER BROWN: I move Resolution
22 2009-27.

23 COMMITTEE MEMBER KUEHL: Second.

24 CHAIRPERSON MULÉ: It's moved by Member Brown,
25 seconded by Member Kuehl.

1 We can substitute the previous roll. And we will
2 put this on consent as well.

3 Thank you all for being here. Thank you, staff.

4 Next item, Ted.

5 DEPUTY DIRECTOR RAUH: Thank you, Chair Mulé and
6 Committee members.

7 The next item is Consideration of the 2005-06
8 Biennial Review Findings for the Source Reduction and
9 Recycling Element and Consideration of Issuance of a
10 Compliance Order for the city of Greenfield, Monterey
11 County.

12 Board staff is bringing forward its biennial
13 review findings that the city has failed to adequately
14 implement its diversion programs.

15 And here to present the item is Michael Chen.

16 MR. CHEN: Good afternoon, Madam Chair and Board
17 members. My name is Michael Chen with the Jurisdiction
18 Compliance and Audit Section.

19 Board staff is bringing forward its 2005/2006
20 biennial review findings that the city of Greenfield, in
21 Monterey County has failed to adequately implement its
22 diversion programs.

23 This is how staff conducted its review. Staff
24 reviewed the city's 2005 and 2006 program implementation
25 and diversion rates using available information from the

1 city's annual reports, waste hauler tonnage reports, solid
2 waste disposal activity reports, and Board databases.

3 Staff also gathered information about the city's
4 past and current diversion efforts through on-site
5 observations, consultations, telephone calls,
6 correspondence, and visits with the city staff, the city's
7 franchise hauler, and the city's primary waste handling
8 facility.

9 In addition, Board staff asked for and reviewed
10 all available 2007 and 2008 data and reports, thereby
11 establishing trends of current program implementation.

12 Based on staff's complete analysis, staff has
13 determined that the city has failed to adequately
14 implement its diversion programs.

15 In determining compliance with the waste
16 diversion mandates, statute directs the Board to consider
17 both the jurisdiction's efforts to implement its programs
18 selected in its Source Reduction and Recycling Element and
19 the jurisdiction's achievement of the diversion rates.

20 The city's residential and commercial diversion
21 programs are deficient. It is essential that the city's
22 residential and commercial programs be robust, because the
23 city's residential sector generates 36 percent of the
24 city's waste stream and the city's commercial sector
25 generates 64 percent of the city's waste stream.

1 Pages 5 and 6 of the agenda item provides details
2 of the deficiencies that Board staff observed.
3 Additionally, Attachment 1, a photo report visually
4 documents deficiencies in the city's commercial diversion
5 efforts.

6 The city's diversion programs are not providing
7 sufficient reductions of disposal to enable the city to
8 achieve the diversion requirements of Public Resources
9 Code Section 41780. Diversion rates are an indicator of
10 diversion program effectiveness. The city's 2005 and 2006
11 diversion rates are both 23 percent.

12 In 1997, the Board gave the city a reduced
13 diversion goal of 32.9 percent instead of 50 percent, but
14 the city no longer qualifies for this rural reduction
15 because of statutory changes that went into effect on
16 January 1st, 2009.

17 Board staff recommends the issuance of a
18 Compliance Order that will require the city to work
19 directly with Board staff to develop a Local
20 Implementation Plan. This Local Implementation Plan will
21 identify a strategy for program enhancements and local
22 actions necessary to enable the city to achieve the
23 diversion requirements.

24 Representatives from city are present to make a
25 presentation and answer any questions.

1 This concludes my presentation. Thank you.

2 CHAIRPERSON MULÉ: Thank you, Michael.

3 We do have Patrick Mathews here, and then also
4 Susan Warner. Did you want to come up together or
5 separately?

6 MS. WARNER: Good afternoon, Madam Chair and
7 members of the Committee and Board.

8 We also would like to thank your staff, Michael
9 in particular, for the hospitality and the collaborative
10 working ethic that he brought forward in all his
11 interactions with us.

12 CHAIRPERSON MULÉ: Susan, could you please state
13 your name for the record?

14 MS. WARNER: Susan Warner. I'm the Diversion
15 Manager for the Salinas Valley Solid Waste Authority.

16 The Solid Waste Authority is a joint powers
17 authority in the Salinas Valley, which has as its members
18 the five valley cities of which Greenfield is one and a
19 portion of Monterey County.

20 One of the authority's primary responsibilities
21 is to assist its member agencies with AB 939 compliance
22 efforts. As noted in the staff report and mentioned
23 previously during this afternoon's meeting, small rural
24 jurisdiction do face the unique situations. And as a
25 result of that, the diversion rate was reduced for the

1 city of Greenfield, as Michael mentioned, to 32.9 percent,
2 which was the goal that the city aspired toward.

3 I would like to mention that the city did, in
4 fact, exceed that diversion goal for all the years between
5 1999 and 2004.

6 I'd like to refer to the handout that was
7 provided to you entitled, "City of greenfield Source
8 Reduction and Recycling Element." Just to review some of
9 the programs that were included in this SRRE.

10 In 1995, there were 20 initial programs proposed
11 to divert 1780 tons, which is how the 32.7 percent was
12 generated for the reduced goal. Half of those programs
13 had and at this time still have no means to quantify their
14 results by respective tonnage.

15 Ten years after the initial components were
16 developed, the 2005 review will reveal that only two of
17 these original programs have not yet been implemented.
18 And the transformation program is no longer available
19 because of the facility in the region which accomplished
20 this transformation is no longer in business.

21 Between 1995 and 2005, there were 16 additional
22 programs which were added. These are listed on lines 21
23 through 37 of your handout. These programs were
24 implemented both in the city and at the landfill.

25 Chief among these was the emphasis on increasing

1 public outreach and distribution of educational materials.

2 In 2008, there were two very significant programs
3 that commenced. One was the construction and demolition
4 ordinance, which was effective October 24th of 2008, which
5 unfortunately was before the permit was issued for the
6 demolition project, which is depicted in some of the
7 photos in your Attachment 1.

8 Also the authority and its regional partners
9 along with the city's franchise hauler, Tri-Cities has
10 been the recipient of three Department of Conservation
11 grants which have allowed us to focus on multiple-family,
12 residential, dwelling, recycling opportunities.

13 Thus far, one 30-unit complex has been assessed
14 in the Greenfield city limits, and we have plans to do six
15 more this year.

16 Tri-Cities is also an active partner and has been
17 mailing information to its commercial customers to remind
18 them that there is no cost for commercial recycling within
19 the city of Greenfield. And unfortunately the response to
20 that has been very insignificant.

21 The measurable progress from the 20 programs in
22 the original 1995 Source Reduction Element and the 16
23 additional programs which I mentioned resulted in more
24 than 3700 tons being diverted from the landfill in 2005,
25 which was a 52 percent increase above the original 1995

1 target goal.

2 At this point I'd like to turn the floor to our
3 general manager, Patrick Mathews, who'd like to further
4 reveal diversion efforts we have planned for Greenfield.

5 CHAIRPERSON MULÉ: Thank you. Patrick.

6 MR. MATHEWS: Good afternoon, Board members.
7 It's been a while since I've been here.

8 I just want to thank you, and I want to thank all
9 of your staff for their very poignant and supportive roll
10 in this. I think as here representing the city of
11 Greenfield as one of our member agencies, we would like to
12 say first and foremost that we think the Compliance Order
13 is a good direction for us to take. I think it will help
14 the city. It will help the authority help the city meet
15 their goals.

16 And I'd like to think that we recognize -- both
17 the authority and the city recognize some of these
18 deficiencies very early on. I think as Susan has spoke to
19 and as I'm going to speak to in a moment, we have kind of
20 taken the lead on this and really started moving forward
21 with a lot of these programs in advance of a Compliance
22 Order.

23 Some of the things we're going to be
24 considering -- implementing in the current year, not just
25 in Greenfield but other member agency jurisdictions:

1 Mandatory commercial recycling. Making it a
2 mandatory requirement within each jurisdiction.

3 Improving the enforcement of or application of
4 enclosure ordinances, which as you probably heard many
5 times before, is quite often an impediment for commercial
6 recycling, especially old commercial facilities that don't
7 have adequate space. They don't want to give up a parking
8 space or anything else when they're already very limited
9 to be able to add an enclosure to create or add recycling
10 to their activities.

11 We're also going to be working on improving and
12 expanding and requiring mandatory recycling of all events,
13 not even using the Waste Board threshold, but actually
14 looking at all community supportive or permitted events as
15 well.

16 Implementing a community-wide yard sale. I think
17 that's been a very positive activity, not only in
18 diversion, but also it's another point where we can
19 actually get information out in the community on diversion
20 and recycling.

21 And finally, the city has brought forward their
22 own idea of reducing business fees for businesses that
23 meet a green business standard. We have a green business
24 program in the county. The county has offered to extend
25 that program out to individual jurisdictional cities, not

1 just unincorporated county activities. So we're going to
2 be taking advantage of that opportunity and as will the
3 city of Greenfield.

4 Having said all this, I do want to point out kind
5 of an area that we really want to work with your staff on
6 and not just your compliance staff, but possibly the
7 legislative staff. And that is the application of the
8 formula in terms of how a community's base line numbers
9 are calculated. Clearly, you've heard this, and I'm sure
10 you've heard this many time before that rural communities
11 have great challenges. One of those challenges has to do
12 with math and how things are calculated.

13 I've been doing compliance reporting for
14 20 years, and I struggled within in other communities I've
15 worked for in terms of how you adjust for changes, because
16 a small community in particular an agricultural community,
17 which all of our member agencies are, all it takes is one
18 large packing or processing operation to either come into
19 the city or leave the city. And you can have very large
20 swings in your numbers.

21 And there's not a real clear way to adjust for
22 that. I think the staff has said based on our 1998 base
23 line study, we were assigning 36 percent of our disposal
24 or generation was being assigned to residential homes.
25 Well, the city of Greenfield between the year 2004 and

1 2006 experienced nearly 20 percent increase in their
2 population. They had a huge residential boom.

3 So clearly we've seen very substantial increase
4 in a very small community's population based on a
5 residential growth, but we don't know how we can go back
6 and adjust those numbers.

7 So I think as we move forward with 1016 and
8 developing the regulations, we'd like to work with the
9 staff on how do we address that. Do we go back and do a
10 whole new base line, which I know is something that is
11 going to be discouraged, or is there a simpler method for
12 us to go back and re-define things like percentages,
13 residential to commercial. Because as you can see by the
14 graph, I think mathematically and visually we see an issue
15 here that we saw a huge increase in population and we
16 didn't see a huge increase in the base line. And part of
17 that I think the staff has represented to us is because
18 only 35 percent of our residential disposal or tonnage is
19 coming from residents based on our '98.

20 And I see us having the same problem in other
21 communities. I know I experienced it in Santa Cruz, and
22 we're going to experience it in some of our other member
23 agencies. And we'd like to work with the staff to try to
24 develop a clear process for addressing those, because this
25 is a city that's really doing nothing different and hasn't

1 done anything significant different other than improve
2 their programs as have all of our -- we have four small
3 rural communities that are all demographically and
4 agriculturally very similar. And yet we have very
5 disparaging numbers.

6 And I think part of that is we need to look at
7 how the base line numbers are both developed and how they
8 are increased and evaluated with both residential and
9 commercial changes that really have huge swings in their
10 numbers. Thank you.

11 CHAIRPERSON MULÉ: Patrick, thank you.

12 And I just want to make a quick comment. We
13 understand that. I think this Board more than any Board
14 understands that. That's why we pursued SB 1016 as
15 strongly as we did, because we really want to focus on
16 program implementation and get away from, as I called it,
17 the voodoo accounting that, you know, that has plagued
18 many jurisdictions. So I understand what you're
19 challenges are.

20 Cara, if you want to add anything to that.

21 DIVISION CHIEF MORGAN: I think Patrick brings up
22 a good point that we want to move away from focusing on
23 the base line and try to figure out what should be done or
24 could be done, really focus on their disposal and using
25 disposal as the factor that we evaluate as we go forward.

1 And, you know, one of the reasons this community
2 was recommended for compliance was the trend in disposal.
3 This is not something by statute that the Board -- it's
4 something that we've used many times. And SB 1016 put
5 that into statute so we can use that.

6 This is really a good example where disposal and
7 the trend in disposal is what we should be looking at and
8 not be spending our time going back and looking at base
9 lines and adjustment factors that may not work for a rural
10 community and really focusing our resources on the
11 programs. And that's where we need to go.

12 CHAIRPERSON MULÉ: Absolutely. Thank you, Cara.

13 Thank you both for being here.

14 We do have some questions. First we'll go to
15 Board Member Laird.

16 BOARD MEMBER LAIRD: Thank you very much.

17 Always nice to see a Santa Cruz government
18 employee who has graduated, or a fellow one.

19 Let me ask a question. You're here as a regional
20 agency. Our Compliance Order is against the city of
21 Greenfield. You talked about how they might have a couple
22 of actions they can take, whether it's mandatory recycling
23 or green practices at buildings. But I don't understand
24 where they end and you begin. If the order is against
25 them and you're doing all the stuff and it's not

1 successful, the compliance is against them. So what's the
2 nexus there?

3 MR. MATHEWS: I think that's a good question as a
4 joint powers authority and a fairly young one. They've
5 only been around since 1997. We're still evolving as an
6 agency. We are moving forward with potentially
7 regionalizing the authority, though we have to get buy-in
8 from all our member agencies. Obviously something like
9 this creates some difficulty in doing that.

10 So we are here representing Greenfield. We do
11 their reporting, their compliance reporting. We track
12 their data. We assist them in developing -- as Susan said
13 earlier, we worked with the Waste Board drafts and other
14 drafts we've seen and worked with the city to adopt a C&D
15 ordinance. That has been very successful. In its very
16 brief period of time it's been in place, it's been
17 successful. We hope to see that grow as the housing and
18 community start to rebound from the economy. Right now
19 we're not seeing much of anything. But we're expecting as
20 most of our southern cities significant growth.

21 So where does it start and where does it end?
22 That's actually a good question. Technically, right now,
23 the city is still -- the Compliance Order is with the
24 city. They've asked us to come represent them because we
25 do track what they're doing. We have more intimate

1 knowledge.

2 As we move forward with our plans to potentially
3 regionalize and become a single reporting agency, that
4 responsibility would shift to the authority on a regional
5 basis and move away from the individual small cities which
6 as everybody has said here I think very clearly have great
7 challenges, both in the reporting format and just
8 mathematically with how you address significant changes.
9 I mean, I think those --

10 BOARD MEMBER LAIRD: If I can ask two follow-up
11 questions.

12 The first one is relatively brief. So they're
13 very clear this is going on and you're going to do
14 everything you're going to do, but they're the ones that
15 are on the hook? They're very clear?

16 MR. MATHEWS: Yes, they are. Our public works
17 director is here. Their city manager sends his
18 condolences he was unable to go today. We have a lot of
19 other things going on with the storms and the economy
20 right now. So they've asked us to come up --

21 BOARD MEMBER LAIRD: And second question, you
22 said there were difficulties. Your agency is basically
23 the jurisdictions on the highway 101 corridor in your
24 region. Does it include the city of Salinas?

25 MR. MATHEWS: Yes, it does.

1 BOARD MEMBER LAIRD: Basically, if you had four
2 very small agricultural cities and the city of Salinas go
3 into a regional reporting, then they actually could
4 probably have the same diversion rate as a small city and
5 raise and fall on what the diversion is in Salinas and
6 would be buried in that number. Is that --

7 MR. MATHEWS: Yes. And that's what we call
8 buffering. The larger the pool, the larger the
9 mathematical pool you have. Those small changes of the
10 business coming and going have less of an impact.

11 The numbers tend to represent diversion a little
12 more accurately than a small jurisdiction that can be huge
13 swings just based on one business, one large agricultural
14 business that can come or go in any given year.

15 BOARD MEMBER LAIRD: Well, I'm glad to hear
16 somebody's here so they know. And I just appreciate the
17 fact they're taking it seriously, because separate from
18 the businesses coming or going, their ability to do some
19 of this is going to make a big difference.

20 Thanks. I appreciate your comments.

21 CHAIRPERSON MULÉ: Chair Brown.

22 COMMITTEE MEMBER BROWN: One quick question. I
23 don't know if either of you can answer, because you're
24 just reporting. But I think it's a little troublesome
25 there's in cost for commercial recycling and there's such

1 a low rate of participation.

2 I'm glad to hear you're doing the mandate,
3 because at least if people don't, you can do something
4 about that. But, you know, you just want to scratch your
5 head and wonder why if there is no cost to recycle
6 commercially why people wouldn't recycle.

7 But the thing that troubles me is in our notes
8 one business mentioned that they were under the impression
9 that only material that the city wanted to collect for
10 recycling was cardboard. How is the information
11 disseminated to the businesses? And what kind of
12 information? And how would a business be under that
13 impression if that was not the case?

14 MR. MATHEWS: Well, I can't answer the first
15 question or the second question why they're under that
16 impression.

17 But clearly that's good feedback for us to hear
18 that, to know there's something that's not getting out to
19 them.

20 So I think one of the things that the authority
21 has done as our role really is first and foremost as an
22 educational entity is to begin to do more outreach and to
23 work with the hauler directly to do more outreach to make
24 sure the businesses know that.

25 Susan actually has two staff which we're going to

1 be expanding next year whose sole role is to go out and
2 work with multi-family businesses on the ground. Actually
3 go there, physically work with them, make sure they
4 understand what their obligations are, implement and
5 enforce policies. But more importantly, to act as a
6 facilitator, because very often businesses their
7 restrictions or what's holding them up is not
8 understanding how to do what they need to do, coordinating
9 expanded service with their hauler. Looking at how to
10 actually recover things.

11 Some people -- businesses, you know,
12 traditionally cardboard and the ag business and the ag
13 communities, cardboard is the big ticket. So it's very
14 easy for them to think all I do is recycle cardboard.
15 When we come in and say, hey, there's all these other
16 things you can recycle and we can provide you services,
17 that's where it's going to improve.

18 CHAIRPERSON MULÉ: Thank you.

19 Any other questions from anybody?

20 Yes, Lorraine.

21 DEPUTY DIRECTOR VAN KEKERIX: This is Lorraine
22 Van Kekerix, Compliance Evaluation and Enforcement
23 Division. And I'd like to just provide a little bit of
24 additional information on the regional agency agreements.

25 When you join a regional agency, each individual

1 member of the agency is responsible for implementing
2 programs within their jurisdiction. And they determine at
3 the start of the regional agency and the agreement that
4 comes to the Board how penalties will be apportioned. And
5 each regional agency is allowed to do that at the start.
6 So there isn't one method only. They can determine
7 between them how they want to do that. And then it comes
8 to us for review.

9 But we then look at implementation of programs
10 and each of the individual jurisdictions as well as the
11 region as a whole.

12 BOARD MEMBER LAIRD: Madam Chair, can I ask a
13 follow up?

14 CHAIRPERSON MULÉ: Please.

15 BOARD MEMBER LAIRD: Because I thought I had it
16 clear, and that raises a question. Right now, the city of
17 Greenfield is on the hook here. And only if somehow in
18 this process they go to a regional agency and all back
19 away from their individual obligations would things
20 change; right?

21 I mean, I'm trying to understand the import of
22 your comment, because I thought it was clear that they're
23 going to implement this regionally, but the city is on the
24 hook.

25 DEPUTY DIRECTOR VAN KEKERIX: That's correct.

1 BOARD MEMBER LAIRD: Is there something different
2 in your comment right that?

3 DEPUTY DIRECTOR VAN KEKERIX: You were talking
4 about -- or I think it was the JPA talking about being a
5 regional agency, which is a different thing than having
6 somebody come in and do your programs for you.

7 BOARD MEMBER LAIRD: Right. I think what they're
8 talking about is they're negotiating this, and at some
9 point this could switch. But right now the city is on the
10 hook. If it switches, then it goes to the point of your
11 comment then it has to be apportion and all that happens.
12 And I have no idea as a new Board member -- and I suspect
13 after eight years I might not understand it -- of what
14 would happen if we have a Compliance Order out, and in the
15 middle of the Compliance Order period the regionalism of
16 the entire thing switches and we would have to ascertain
17 who has responsibility.

18 DEPUTY DIRECTOR VAN KEKERIX: We have some cases
19 like that right now. The whole agency is on compliance,
20 but the one jurisdiction that had the original Compliance
21 Order is specifically on the hook for doing what's in the
22 Compliance Order.

23 CHAIRPERSON MULÉ: But the regional agency is
24 under the Compliance Order. I think --

25 BOARD MEMBER LAIRD: I think now we understand

1 it, so we shouldn't talk about it anymore.

2 (Laughter)

3 COMMITTEE MEMBER BROWN: I may understand less
4 now than I did before, but I'll go with that.

5 CHAIRPERSON MULÉ: Okay. Do we have any other
6 questions?

7 Again, thank you for being here. And we look
8 forward to working with you on this Compliance Order. And
9 it is a tool to help you.

10 Do I have a motion?

11 COMMITTEE MEMBER BROWN: I move Resolution
12 2009-28.

13 COMMITTEE MEMBER KUEHL: Second.

14 CHAIRPERSON MULÉ: Moved by Chair Brown and
15 seconded by Member Kuehl.

16 We will substitute the previous roll and put this
17 item on consent.

18 And then let's move to Board Agenda Item 5.

19 DEPUTY DIRECTOR RAUH: And Committee Agenda Item
20 F is Consideration of Allocation of Grant Awards for the
21 Solid Waste Disposal and Codisposal Site Cleanup Program.

22 Staff has completed an evaluation and recommends
23 approval of five new grant proposals covering nine sites
24 totaling \$2,349,216 pursuant to the two grant programs
25 under the Solid Waste Disposal and Codisposal Site Cleanup

1 Program. And here to present the item is Mustafe Botan.

2 MR. BOTAN: Good afternoon, Madam Chair and
3 Committee members. My name is Mustafe Botan. I'll
4 present Item Number 5.

5 Agenda Item 5 is for the Consideration of
6 Allocation and Grant Award for the Solid Waste Disposal
7 and Codisposal Site Cleanup Program.

8 The Solid Waste Cleanup Program have received
9 five grant applications during the second cycle of fiscal
10 year 2008 and '09.

11 The application were accepted, evaluated, and
12 scored using the process and scoring criteria that were
13 approved by the Board in June 2007.

14 The grant proposals were from county of San
15 Diego, city of Oceanside, Imperial Irrigation District,
16 Truckee Sanitation District, and city of Huron.

17 The first grant proposal was submitted by San
18 Diego County. The county is proposing to clean up Canyon
19 Little League Fields Park. Little League fields were
20 established in the early 1990s. A park's mission is to
21 protect sensitive live oak trees and other natural
22 resources, while providing a mix of active recreation and
23 opportunities for families.

24 The proposed project is to remove concrete debris
25 and tires that has been illegally dumped on site over the

1 years. The county is requesting \$78,500 to clean up the
2 site. The grant funds would be used for the rental after
3 equipment, hiring operators, and laborers, and
4 installation of "no dumping" signs.

5 The second grant proposal was submitted by city
6 of Oceanside. The city is requesting grant funds to bring
7 the Vista site into compliance. The Vista Sanitary
8 District acquired the site from a private party on
9 September 12th, 1931, and operated the site as a dump
10 until 1944.

11 The site is currently leased to the Vista
12 American Little League. About 300 children from Oceanside
13 and Vista participate in the league. Play has been
14 suspended since January 2005, because the fumes became
15 exposed and sampling indicated contaminate concentrations
16 may potentially pose a threat to participants and the
17 environment. The proposed project includes capping the
18 exposed waste and burn ash, stabilization and grading of
19 the low areas between the ball fields, and the remediation
20 of the Loma Alta Creek.

21 The third grant proposal was submitted by
22 Imperial Irrigation District. The district has identified
23 15 sites owned by the district through Imperial County
24 where illegal dumping is a persistent problem.

25 These 15 illegal dump sites are primarily located

1 in agricultural parts of the county and contain an
2 estimated 1800 tons of solid waste.

3 The Imperial County Environmental Health
4 Services, acting as the solid waste Local Enforcement
5 Agency has ordered the district to remove and transport
6 all the solid waste from subjects properties to an
7 approved facility.

8 The estimated cost to clean up all 15 illegal
9 disposal sites is over \$7 million. The district has
10 requested that the Board provide matching funding up to
11 750,000 for the cleanup of the five highest priority
12 sites, and this clean up would be completed 2011.

13 The remaining funding will be provided by the
14 district. Due to funding constraints, the cleanup of the
15 remaining ten sites may not be completed until the year
16 2016.

17 The fourth grant proposal was submitted by
18 Truckee sanitary district. The district is proposing to
19 remediate the Truckee regional park disposal site, a solid
20 waste burn dump operated at the site from the early 1940s
21 to late 1960s.

22 The Truckee Donner Recreation and Park District
23 began leasing the site from Truckee Sanitary District in
24 1964 for use as a public park.

25 The proposed remedy consists of consolidation and

1 capping of approximately two acres of burn ash. The burn
2 ash will be capped, which will be then covered with a
3 vegetative layer.

4 The fifth and last grant proposal was received
5 from the city of Huron. The city's requesting grant funds
6 to eliminate illegal dumping of city-owned site and
7 adjacent hide-a-ways.

8 Grant funds will be used to cleanup illegal
9 dumping, fence, and to install cameras, signs, and
10 lighting the site. Surveillance cameras will be monitored
11 at the police headquarters to catch illegal dumpers and
12 will assist identify dumpers and prosecution.

13 Educational material will be mailed out to
14 residents and businesses of the negative impact illegal
15 dumping has on their community.

16 The grant applications were evaluated and scored
17 using the process and scoring criteria that were approved
18 by the Board in June 2007. The grant proposals received
19 scores that exceeded the required minimum score of 60
20 points.

21 The staff is recommending that approval of the
22 proposal grants and adoption of Resolution 2009-32.

23 The amount proposed in this item is for grants in
24 an amount not to exceed \$2,349,216.

25 At the time the agenda item was prepared, the

1 amount available for new contracts, grants, and loans was
2 \$2,349,316. If the Board approves the proposed grants,
3 programs staff estimates enough funding would be available
4 for new grants for the remainder of this fiscal year. As
5 a result, the third and final program grant cycle would be
6 canceled due to lack of available funding.

7 This concludes my presentation. And I will
8 answer any questions that you may have.

9 CHAIRPERSON MULÉ: Thank you, we have several
10 speakers. So we'll take those first. First is Michael
11 Remington.

12 MR. REMINGTON: Good afternoon, Board members and
13 Committee members. My name is Michael Remington. I'm a
14 supervisor for environmental regulatory and emergency
15 planning for the Imperial Irrigation District.

16 Our district is a special district under the
17 state water code. We provide Colorado River water to all
18 the residents and farmers in Imperial County, as well as
19 energy to all the residents of Imperial County and a
20 portion of Riverside County to our north.

21 We want to thank you for reviewing our grant
22 application. Without this grant, we still -- all the
23 brunt and weight of the cleanup would fall on our rate
24 payers. And trying to keep a balanced budget would be
25 impossible to get this done in a timely manner.

1 With that, I would like to answer any questions
2 you may have.

3 CHAIRPERSON MULÉ: Thank you. Do we have any
4 questions for Michael?

5 Thank you for making the trip up here.

6 Our next speaker is Peter Krasnoff.

7 MR. KRASNOFF: Good afternoon, Peter Krasnoff,
8 for West Environmental. I'm appearing here on behalf of
9 Truckee Sanitary District. Lucky enough, we've had some
10 snow, so they weren't able to make it down. They asked me
11 to make the presentation.

12 First, I want to commend staff we've been working
13 with during this grant application process. They've been
14 fantastic to work with. They put in a lot of extra time
15 to make this process easier.

16 This project involves basically reclaiming a
17 portion of the regional park in Truckee, which has been
18 fenced off. There is a fence and post order there. This
19 grant would facilitate that cleanup this coming year to
20 reopen this portion of the park, which has fantastic use
21 throughout the summer. We're hoping to get this thing
22 cleaned up and allow the normal summer concert series to
23 take place. It's a regional gathering place.

24 So anyway, I wanted to thank you and answer any
25 questions you may have.

1 CHAIRPERSON MULÉ: Thank you for being here.

2 Any questions?

3 Thank you.

4 Our next speaker is Frank Steenport.

5 MR. STEENPORT: Good afternoon, Madam Chair,
6 members of the counsel. I'm the Police City Chief for the
7 city of Huron and also the City Manager and the Public
8 Works Director at this time.

9 CHAIRPERSON MULÉ: So which hat are you wearing
10 today?

11 MR. STEENPORT: Actually, all three. Actually,
12 all three.

13 The situation -- again staff has been
14 outstanding. I thank you for your time on this matter.

15 Huron is the fourth poorest municipality in
16 California. We're located at the very southwest corner of
17 Fresno County. Very close to Kings and actually Monterey
18 County. There's only two incorporated cities in the west
19 side, Colinga and Huron. Colinga has the only landfill
20 which is going to be filled fairly shortly.

21 One of the problems that we face is that the
22 transfer station project was a dump years -- like in a lot
23 of rural areas, it was the dump for years and years and
24 years. As the city has grown, the city discouraged that
25 use and has tried to block it off and divert them to where

1 they're supposed to go.

2 We have a very good diversion rate, because being
3 the fourth poorest city, we have three different recycling
4 stations in the city, and a lot of people recycle because
5 that's part of their income. So the city is tolerant and
6 supports it to the point where it doesn't create a
7 problem.

8 In the three years I've been there and the 25
9 years prior in California law enforcement, I get it. And
10 I support recycling. And the city has been user-friendly,
11 and we try to work with the folks, because in some cases
12 that's 10, 15, 20 percent of their income.

13 One of the problems we're facing is this dump
14 site is outside of the city. It's about an eighth of a
15 mile from the aqueduct. It's in a very rural area that we
16 can't get out there as often as we'd like to. There's a
17 lot of illegal dumping. Not necessarily of recycled
18 materials, but ag waste, concrete, furniture. You name
19 it.

20 The city has taken aggressive steps to fence it
21 off, but because we can't get out there as often as we
22 want to, they destroy the fencing. They dump. Kids go
23 out there and play. Transients live in and among it.
24 There's a railroad spur which is sometimes affected by it.

25 In the last two years, as the Chief, I've

1 rewritten our nuisance ordinance which will give us a very
2 good mechanism to deal with illegal dumping. In the two
3 weeks that I've been notified to come and appear on behalf
4 of the city, we've averaged about two dump-related
5 citations a day.

6 I use some of my reserve officers. We're a small
7 department of 23. I use some of my reserve officers that
8 literally hide out in railroad cars and catch them doing
9 it.

10 We are already in the process of trying to do the
11 educational part of it through our utility bills. We have
12 an explorer program who are going to go door to door and
13 hand out hand bills.

14 And I've also made arrangements with the local TV
15 station they're going to do education on the cable
16 channel.

17 All of these other grants applications obviously
18 I'm sure merit. But this is one that -- obviously I'm
19 very sincere about this -- this one is almost textbook for
20 the very simple reason we are going to secure the site.
21 It will be live feed to the police department. We'll be
22 able to deal with these folks. And in the same way,
23 divert them to where they're supposed to go. We want
24 to -- enforcement will be the last end of three prongs.
25 But with the enforcement tool there, with the physical

1 barrier to keep them out, vis-a-vis this grant, I think
2 this will be one of those Kodak moments it will be
3 accomplished in a short period of time.

4 If you look at the cost, we spent almost \$66,000
5 last year dealing with illegal dumping. At my salary
6 scale of some of my younger officers, that's two police
7 officer positions.

8 So any help and support will be greatly
9 appreciated. It will be timely used and solve the
10 problems very quickly. Thank you.

11 CHAIRPERSON MULÉ: Thank you for being here.
12 Appreciate it.

13 MR. STEENPORT: Any questions?

14 CHAIRPERSON MULÉ: Any questions?

15 BOARD MEMBER LAIRD: Do you think you're the only
16 public works director in the state that carries a firearm?

17 MR. STEENPORT: Probably. Probably.

18 BOARD MEMBER LAIRD: Just checking.

19 CHAIRPERSON MULÉ: We do have one question.

20 Board Member Kuehl.

21 COMMITTEE MEMBER KUEHL: Chief, I noticed that
22 the estimated total project cost was 211,000 and this
23 requested grant was 145. Where's the rest coming from?

24 STAFF COUNSEL LEVINE: I can answer that if you'd
25 like.

1 MR. BOTAN: Mustafe Botan from the Cleanup
2 Program.

3 The difference is due to the chief mentioned that
4 they already spent \$66,000 so that's the difference
5 between the two numbers.

6 COMMITTEE MEMBER KUEHL: Oh, I see.

7 MR. STEENPORT: We tried to show you in good
8 faith we're spending our money first before we ask.

9 COMMITTEE MEMBER KUEHL: Even better. Thank you
10 very much.

11 BOARD MEMBER PETERSEN: Chief, I have one
12 question.

13 Madam Chair.

14 We've been exploring using camera -- actually,
15 solar-powered cameras. I don't know if you know about
16 that.

17 MR. STEENPORT: Yes, I do.

18 BOARD MEMBER PETERSEN: It works. You get the
19 license plate on illegal dumpers and stuff like that.

20 MR. STEENPORT: Yes. We have a regional policing
21 plan in place trying to utilize green power sources.

22 BOARD MEMBER PETERSEN: I know where you guys
23 are. I've been to your town. Good luck to you.

24 MR. STEENPORT: Thank you.

25 CHAIRPERSON MULÉ: We do have one final speaker,

1 William Snyder.

2 MR. SNYDER: Good afternoon. William Snyder on
3 behalf of the city of Oceanside.

4 I'd like to thank the Board for its time and
5 consideration of this grant application request by the
6 city of Oceanside.

7 This public park is an extremely important
8 facility to all of the citizens of north county. The
9 reason for that it's three baseball diamonds that are
10 situated on ten acres. It was the preeminent place for
11 little leaguers around the north county area to come and
12 play in their games. And it's been closed since the
13 season of 2004.

14 This site actually hosts -- has the Vista
15 American Little League that in the year 2004 made it all
16 the way to Little League World Series. It's an extremely
17 important public park. It was used by dozens of the team
18 from the Vista American Little League, but really by
19 hundreds and hundreds of children in the community who
20 aren't just affiliated with the Little League, but that
21 use this public park to practice, to play with their
22 parents, to go out and have pick-up games. And it's
23 really been something that has been in use since the early
24 '70s way back with the Vista Bobby Socks, the girls
25 softball teams.

1 So since this site has been closed down to the
2 public, the entire little league has been forced to shift
3 its games to different locations around the county at odd
4 times on Sundays and at nights. And because of that, the
5 little league has been displaced. They've been forced to
6 use other fields. And it causes a hardship on a lot of
7 the parents that can't afford with the price of gas and
8 the time and effort that's required with the gridlock on
9 our freeways to send their kids to other fields around the
10 county. As a result, league membership is down quite a
11 bit.

12 This site is -- there's an impact on the
13 environment. This site is located immediately adjacent to
14 the Loma Alta Creek, which winds through several miles
15 through several communities in the cities of Oceanside and
16 Vista and eventually dumps into the salt water estuary of
17 Carlsbad and Oceanside.

18 So not only is it important that the citizens as
19 far as their use of this public park, but it's also
20 important to the environment itself to get the site
21 cleaned up.

22 And it's important that the Waste Management
23 Board take into account that we've already spent
24 approximately \$641,000 to investigate this site with the
25 oversight of DTSC. So this has been a significant

1 expenditure on our part already. But it's going to cost
2 the estimate is approximately \$1.4 million to get this
3 site remediated. If we don't have these matching funds,
4 we're afraid we're not going to be able to get the site
5 cleaned up. So it's extremely important. And we thank
6 you for your time and your consideration of this grant
7 application request.

8 CHAIRPERSON MULÉ: Thank you for being here.

9 Do we have any questions?

10 Do I have a motion?

11 COMMITTEE MEMBER BROWN: I move Resolution
12 2009-32.

13 COMMITTEE MEMBER KUEHL: Second.

14 CHAIRPERSON MULÉ: That was moved by Member Brown
15 and seconded by Member Kuehl.

16 Donnell, please call the roll.

17 EXECUTIVE ASSISTANT DUCLO: Brown?

18 COMMITTEE MEMBER BROWN: Aye.

19 EXECUTIVE ASSISTANT DUCLO: Kuehl?

20 COMMITTEE MEMBER KUEHL: Aye.

21 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

22 CHAIRPERSON MULÉ: Aye.

23 That item will go on consent.

24 Thank you, Mustafe. Thank you all for being here.

25 DEPUTY DIRECTOR RAUH: Chair Mulé, if I might.

1 It should be -- the Resolution was revised.

2 CHAIRPERSON MULÉ: So we'll let the record
3 reflect 2009-32 Revised.

4 Next item.

5 DEPUTY DIRECTOR RAUH: The next item is Item G,
6 consideration of a new project for the Waste Tire
7 Stabilization and Abatement Program.

8 Board staff has completed an evaluation and
9 recommends approval of a new Board managed project at Lake
10 Oroville for \$75,000 pursuant to the Waste Tire
11 Stabilization Abatement Program. And back again to
12 present the item is Mustafe.

13 MR. BOTAN: Good afternoon, again, Madam Chair
14 and Committee members.

15 Agenda Item Number 6 is a new project for the
16 Waste Tire Stabilization and Abatement Program. The
17 California Department of Parks and Recreation has the
18 program's assistance to remove approximately 2500 waste
19 tires located at the three remote locations around Lake
20 Oroville.

21 During the 1980s, the Department of Parks in
22 consultation with the Department of Fish and Game and
23 others stakeholders placed the tires at these remote
24 locations to increase fish habitat. The tires were hauled
25 out and hand carried to those locations. Holes were

1 drilled in the tires so they would drain as lake water
2 level fell, and the tires were anchored with cables and
3 bolts to keep them from moving.

4 Over the years, some of the cables have broken
5 and many of the tires are no longer anchored. In
6 addition, some tires have also become partially filled
7 with silt and unable to drain and became a breeding ground
8 for mosquitoes as the tires become exposed.

9 The Department of Parks has determined and Board
10 staff concur that the tires are no longer functioning in
11 their intended but efficient use and now boast a nuisance.
12 If the project is approved, the Board contractor will
13 remove the waste tires to a staging area. The tire sites
14 are located at three remote locations on the lake bank
15 with no access to public roads. A barge or an airlift
16 would be utilized to remove tires to a staging area for
17 loading and transport to appropriate tire disposal
18 facility.

19 Staff recommends a waiver from cost recovery by
20 granting to the Department of Parks for this project
21 because the site is publicly owned and maintained for
22 public benefit and use.

23 Staff is recommending the approval of the
24 proposed project and adoption of Resolution 2009-30.

25 This concludes my presentation, and I will answer

1 any questions that you may have.

2 CHAIRPERSON MULÉ: Thank you.

3 Do we have any questions for staff?

4 We don't have any speakers on this one, so do I
5 have and a motion.

6 COMMITTEE MEMBER BROWN: Move Resolution 2009-30.

7 COMMITTEE MEMBER KUEHL: Second.

8 CHAIRPERSON MULÉ: Moved by Chair Brown, seconded
9 by Member Kuehl.

10 Donnell, please call the roll.

11 EXECUTIVE ASSISTANT DUCLO: Brown?

12 COMMITTEE MEMBER BROWN: Aye.

13 EXECUTIVE ASSISTANT DUCLO: Kuehl?

14 COMMITTEE MEMBER KUEHL: Aye.

15 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

16 CHAIRPERSON MULÉ: Aye.

17 Thank you. We will put that item on fiscal
18 consent for the full Board meeting.

19 Ted, our Board Agenda Item 7.

20 DEPUTY DIRECTOR RAUH: Item H is a request for
21 your approval of a Scope of Work for a Statewide Program
22 Environmental Impact Report for anaerobic digestion
23 facility.

24 This contract will provide valuable information
25 for the preparation and circulation of an environmental

1 impact report that will assist in the siting of new and
2 expansion of existing anaerobic digestion facilities
3 throughout California.

4 This is the second time this item has been before
5 you. Last month, the concept was presented and you made
6 the decision to allocate resources in this area. We're
7 back now with the actual Scope of Work.

8 Here to present the item is Ken Decio.

9 MR. DECIO: Good afternoon, Madam Chair and Board
10 members.

11 The purpose of this item today is to request
12 approval of the Scope of Work for the Statewide Program
13 Environmental Impact Report for anaerobic digestion
14 facilities. What we're hoping from this project is to
15 prepare a statewide Environmental Impact Report in
16 compliance with CEQA so that can assist in that developing
17 and expanding anaerobic digestion facilities throughout
18 the state.

19 Now, last month, the Board approved the
20 allocation proposal for \$250,000 at the January 21st
21 meeting. And we feel that this project supports the
22 organics roadmap and Strategic Directive 6.1, which we're
23 trying to reduce by 50 percent the amount of organics
24 going to the landfill by 2020.

25 We also kind of gauged some of our stakeholders

1 in 2008. We held some workshops and some interviews and
2 what we got from the stakeholders on some of the barriers
3 to siting facilities, they really felt it was a good idea
4 to develop a program EIR. So we took that and developed
5 this Scope of Work in response to that.

6 So basically again, as I said, this is going to
7 be to develop a program EIR in compliance with CEQA for
8 anaerobic digestion facilities. What we're hoping this
9 will do is reduce the duplication of review of policy
10 considerations for these. And at the same time help local
11 agencies. If they're going to site a facility, we've
12 already done some of the legwork. They understand what
13 some of the potential environmental impacts are and
14 mitigation measures.

15 So with the Scope of Work, basically what we're
16 setting up -- first thing we're doing is putting together
17 a technical advisory group, because we want to get other
18 agencies on board right away so we're all going in the
19 same direction. And then we'll have the contractor look
20 into existing environmental impact reports, potential
21 mitigation measures, environmental impacts, that type of
22 thing, and then eventually prepare the EIR.

23 We're going to issue this as a Request for
24 Qualifications. We originally were going to do a Request
25 for Proposal. But after talking to the folks at DGS, they

1 said it was better to go with the qualifications. What
2 we're really looking for is a contractor that has
3 experience daily developing EIRs. We talked to a lot of
4 folks that were interested in this project, but a lot of
5 them really didn't have experience in developing EIRs. So
6 that's why we decided to go with an RFQ, because we really
7 want that experience.

8 So after we go through this process, we'll bring
9 back the Scope of Work for you and the award of the
10 contractor for your approval in April of May.

11 And we've already circulated the Scope of Work to
12 various agencies, to the Water Board, air districts, that
13 type of thing, because we want them on board. That's one
14 thing we learned the hard way in previous projects. You
15 start going down that path, and then all of sudden you
16 realize maybe the air districts or the water boards aren't
17 on board.

18 So luckily we have Rick Moss on loan from the
19 Water Board who's heading up this project. And we've
20 already had some response. I had someone contact me from
21 the South Coast Air Quality Management District who wants
22 to be on the technical advisory group. So we feel good
23 about that.

24 So in conclusion, we recommend the Board approve
25 the Scope of Work for the statewide EIR for anaerobic

1 digestion facilities and adopt Resolution 2009-31.

2 I'll be more than happy to answer any questions.

3 CHAIRPERSON MULÉ: Thanks, Ken.

4 We have a question.

5 COMMITTEE MEMBER KUEHL: This is just my own
6 inexperience I think with the processes -- the various
7 processes that we go through.

8 But you indicated and our materials indicated
9 that a program EIR reduces the need for duplicative review
10 of policy considerations and expedites site-specific
11 environmental documentation required for CEQA compliance
12 by LEED agencies.

13 Can you tell me that sort of the differential of
14 how far a program EIR goes and then what additionally
15 would be considered in a site specific EIR?

16 MR. DECIO: I'll let Mark handle this one.

17 DIVISION CHIEF DE BIE: Mark de Bie with the LEA
18 Support Group.

19 Very briefly, a program EIR can only look at
20 those impacts to a certain level. At some point, you get
21 into very site-specific impacts and relative mitigations.

22 COMMITTEE MEMBER KUEHL: Could you give me an
23 example? I do understand the difference between program
24 and site-specific in concept, but --

25 DIVISION CHIEF DE BIE: An example of the

1 anaerobic, our expectation is a contractor would be able
2 to identify emissions from the anaerobic digester of a
3 certain size using a certain technology. Be able to
4 specify what those emissions are in terms of the gases and
5 any liquids that may be coming out of it. And then
6 suggest a suite of possible mitigations that a future LEED
7 agency could choose from and be aware of what level of
8 success they could expect from implementing those
9 mitigations.

10 COMMITTEE MEMBER KUEHL: So I assume that this
11 has done been done and is sort of a standard way of
12 approaching it.

13 Has experience shown that sort of in the program
14 EIR where, just taking your example for instance, you say
15 something of a certain size certain way could be expected
16 to produce certain emissions? Has that been shown to be
17 the case in previous -- I'm not talking anaerobic
18 digestion necessarily. But so that we can -- we found
19 that we can rely on allowing that to be part of every
20 single EIR if your equipment is of a certain size and
21 works a certain way?

22 DIVISION CHIEF DE BIE: We don't have direct
23 experience on that. This would be the first go for this
24 Board in doing a program EIR specifically for solid waste
25 facilities.

1 But we do have an awareness that program EIRs are
2 done at the state, regional, local level for projects that
3 have multiple components where they can analyze that
4 larger project with all those subsets in it to a certain
5 level. And then as those components come online, they
6 then use that initial general overarching information and
7 then spring-board from that to look at the site specific.

8 So we're thinking that this is the same model
9 that would be utilized by a local entity to pick up on
10 that broad overarching analysis that we can provide
11 through this document, and then again spring board from
12 that in looking at the site-specific issues they're
13 dealing with in their jurisdictions.

14 COMMITTEE MEMBER KUEHL: So in a local
15 jurisdiction when you say multiple considerations, those
16 would be similar across a number of places where sites are
17 actions?

18 DIVISION CHIEF DE BIE: That's our expectation,
19 yes.

20 You know, eventually site-specific issues would
21 be the local intersection associated with the site and the
22 traffic flow and those sorts of things. We can't
23 anticipate what those could be.

24 But we could anticipate the kinds of vehicles
25 that might be bringing material in and out of the facility

1 size wise, volume of -- or numbers of vehicles that equate
2 to a certain volume and how those calculations available
3 through a program EIR so people don't have to redo the
4 math.

5 DEPUTY DIRECTOR RAUH: If I might add, too. I
6 think the key to the success of this type of document is
7 one of the things we're striving to do here. That the
8 regional and statewide permitting authorities come
9 together to take a look at their concerns and that we make
10 sure that their issues are on the table and addressed.

11 Without doing that, I would not be here
12 recommending that you proceed with this action, because
13 otherwise we would just be wasting our time and the
14 Board's money.

15 COMMITTEE MEMBER KUEHL: And does it seem as
16 though the other areas, Water Board, et cetera, that
17 everybody is on board with this concept?

18 DEPUTY DIRECTOR RAUH: As was indicated, we've
19 gotten a lot of interest. And we're dedicated to make
20 sure that that interest stays there and they're at the
21 table with us all the way through.

22 And I think they see a lot of advantage to this,
23 too. Because otherwise they're out there doing it region
24 by region, regional board by regional board. It's a much
25 more efficient way of using resources.

1 COMMITTEE MEMBER KUEHL: I also wanted to say I
2 really agree the Request for Qualification is better way
3 to go than just proposals, because it all gets down to
4 qualifications anyway.

5 Thank you, Madam Chair.

6 CHAIRPERSON MULÉ: Board Member Petersen.

7 BOARD MEMBER PETERSEN: I just want you to know I
8 think this is a really good idea. We've experienced this
9 out in different areas of the state trying to site
10 facilities in the past. And this cooperation is
11 exceptional as far as I'm concerned in how we're going to
12 get this done. Because this new technology -- a new
13 technology, anaerobic digestion, in-vessel stuff is new,
14 and this is a great way to help educate everybody and get
15 everybody on the same page. So bravo.

16 CHAIRPERSON MULÉ: Thank you. We do have two
17 speakers. The first is George Larson.

18 MR. LARSON: Good afternoon, Madam Chair,
19 members. Appreciate the opportunity. I'll be brief.

20 I just want to put a me, too, and a very emphatic
21 me, too, on complimenting the Board for taking the
22 leadership role and providing this kind of assistance.

23 I'm working with several technologies and
24 anaerobic digestion that are looking at specific feed
25 stocks coming out of the waste stream. Some as narrow as

1 food waste. Others more broad that would be able to
2 handle the organic fraction of waste after all of the
3 reasonable recycling have been accomplished at MRFs and
4 through other separation procedures.

5 It all boils down in my opinion to very good
6 state policy, but also boils down to dollars saved. And
7 these are critical dollars for start-up companies that are
8 trying to, as you can appreciate, navigate the difficult
9 permitting channels in the state of California to try to
10 advance the mission of the Board. Thank you.

11 CHAIRPERSON MULÉ: Thank you, George.

12 Our next speaker is Evan Edgar.

13 MR. EDGAR: Chair and Board member, my name is
14 Evan Edgar on behalf of the California Refuse Recycling
15 Council. I'm their engineer.

16 We are highly supportive of this concept. And
17 last month George Eowan supported the concept.

18 I'd like to add on to the Scope of Work as one
19 issue that's very critical. Starting July 1, '09, all
20 CEQA documents need to have a greenhouse gas component.
21 Many EIRs out there today be looking at greenhouse gas
22 impacts.

23 We have a letter into the Office of Planning and
24 Research to look at the net benefits of greenhouse gas
25 impacts. So it talks about impacts, impacts, risk

1 assessment. But I believe this type of anaerobic
2 digestion facility has positive net greenhouse gas
3 benefit.

4 I believe the Scope of Work should have some
5 factoids on each type of waste stream, whether it be food
6 waste, green waste, or ag waste. I'm sure there is
7 current federal war model calculators that could be added
8 to this document and Scope of Work to make sure that when
9 people go out on a program EIR they have some easily
10 acceptable best management practices, federal EPA war
11 model factoids on anaerobic digestion, because it will be
12 positive net greenhouse gas benefits to this type of
13 facility.

14 And I think that starting July 1, '09, all CEQA
15 documents will have to have that. It's a good Scope of
16 Work to make sure is included now. Thank you.

17 CHAIRPERSON MULÉ: You're welcome.

18 Are you volunteering to be on the technical
19 advisory committee?

20 MR. EDGAR: Yes.

21 CHAIRPERSON MULÉ: I thought you were
22 volunteering. So if you weren't, I was volunteering you.

23 MR. EDGAR: Thank you.

24 CHAIRPERSON MULÉ: You're welcome.

25 COMMITTEE MEMBER BROWN: Excellent addition.

1 CHAIRPERSON MULÉ: Mark.

2 COMMITTEE MEMBER BROWN: Mark, can it be added to
3 the Scope of Work at this point?

4 DIVISION CHIEF DE BIE: I don't think we need to
5 call that out. There is an expectation the document will
6 comply with the CEQA requirements. So looking at
7 greenhouse gases one that's being imposed. And Office
8 Planning and Research is giving us assistance and
9 developing guidance on that. So that will be part of the
10 project certainly.

11 And I agree that potentially our review will
12 indicate both the negative and positive impacts associated
13 with these kinds of technologies.

14 CHAIRPERSON MULÉ: Thank you, Mark.
15 Scott Smithline.

16 MR. SMITHLINE: Good afternoon, Madam Chair and
17 Board members. I'm Scott Smithline with the Californians
18 Against Waste.

19 I would like to appreciate myself with the
20 previous commenters with respect to the leadership that I
21 think this displays. This is the kind of thing that
22 really will help bring these technologies that we
23 desperately need to meet the Waste Board's directives in
24 the coming years.

25 And I would just like to add one point, which is

1 I think the usefulness of this program EIR will be related
2 to the specificity within it. So I just really encourage
3 you moving forward to the extent possible to guide this
4 process in such a way that it is as feedstock specific and
5 as technology specific as possible.

6 There are a number of vendors and local
7 governments who would love to site 80 facilities in the
8 state right now. This is something we're very much
9 supporting.

10 So we're very hopeful about this document. So I
11 would encourage you to bear that in mind moving forward so
12 it is something that really does help the permitting
13 process. Thank you.

14 CHAIRPERSON MULÉ: Thank you, Scott.

15 And are you volunteering to be on the technical
16 advisory committee?

17 MR. SMITHLINE: I am now.

18 CHAIRPERSON MULÉ: Good answer.

19 Question, Board Member Kuehl.

20 COMMITTEE MEMBER KUEHL: I wasn't certain whether
21 the two previous speakers were indicating they felt there
22 needed to be more specific language in the Scope of Work
23 piece, because we haven't really called out those kinds of
24 specifics in the actual Scope of Work, but just, you know,
25 significant environmental impacts, the usual language.

1 Was there some thought there ought to be more specificity
2 in the Scope of Work?

3 DIVISION CHIEF DE BIE: The Committee can choose
4 to direct staff to make some revisions to the Scope of
5 Work. You know, we can add specifications on greenhouse
6 gas to emphasize that that needs to be something to
7 address.

8 And then the idea that I heard Scott bring up
9 about an expectation that the document will identify
10 specific waste streams and specific technologies. I think
11 we could add that layer of detail in that without boxing
12 in the contractor. That would be a concern that staff
13 would have. If we narrow the scope, are we losing
14 something.

15 COMMITTEE MEMBER KUEHL: I'm new to the amount of
16 specificity in a Scope of Work document. So I wasn't
17 certain whether it's better to be general or better to
18 have a few specifics in order to allow those who are
19 applying for the work to understand that we have an
20 expectation -- I mean, because separate waste streams is
21 different from just talking about anaerobic digestion. So
22 I just wasn't certain.

23 And obviously I would defer to people who have
24 adopted these before as to whether the more general nature
25 works better and having put it on the record both by

1 testimony and by Board speaking that we have indicated our
2 interest in these areas, you know, including but not
3 limited to.

4 CHAIRPERSON MULÉ: And maybe we can amend the
5 scope to say including, but not limited to, and include
6 language that pertains to -- because here the fifth
7 bullet, "Identify and describe potentially significant
8 environmental impacts," you could say, "including, but not
9 limited, to," and you can add greenhouse gases, you know,
10 whatever.

11 COMMITTEE MEMBER KUEHL: Greenhouse gas have
12 different kinds of --

13 CHAIRPERSON MULÉ: Technologies.

14 COMMITTEE MEMBER KUEHL: -- organics waste.
15 Because there are significantly different waste streams
16 that we're talking about I think.

17 DIVISION CHIEF DE BIE: And we did have some
18 questions from our colleagues with the air district I
19 believe wanted to know how this project factored in with
20 dairy digesters. So we clarified that for them.

21 But it became obvious when they read through it
22 it was not obvious to them the relationship. So in
23 outlining the feed stocks, that would help in that regard.

24 My understanding of the contract process though
25 there is an opportunity for potential contractors to come

1 in and submit questions and get replies to it that will
2 happen then better focus and understand what the scope is.
3 This isn't the only opportunity for them to understand our
4 expectations.

5 COMMITTEE MEMBER KUEHL: I didn't think it was
6 necessary for us to amend it. That was just my question,
7 whether it was better to have it in or just on the record
8 it be included.

9 DIVISION CHIEF DE BIE: At your pleasure we can
10 amend it and bring it back to the Board.

11 CHAIRPERSON MULÉ: I think we're fine. I think
12 in the past we've preferred to keep things more general,
13 because it does provide the opportunity for potential
14 contractors to ask those questions to get additional
15 information.

16 Now, do we have a pre-proposal conference or like
17 a meeting? I know when I used to work on contracts,
18 oftentimes the contracts had a pre-proposal conference or
19 meeting. Marie.

20 SENIOR STAFF COUNSEL CARTER: Marie Carter,
21 Senior Staff Counsel.

22 We can have that. Oftentimes, we do it by Q's
23 and A's. I think in this case because, as you said, the
24 Scope of Work is very general in nature, it might be
25 incumbent upon our contract managers to have a meeting so

1 that everyone can hear the same thing, hear expectations,
2 and to elicit from them information that they might
3 identify as important that we haven't identified.

4 CHAIRPERSON MULÉ: I think that would be very
5 helpful for us to do that. Because again if we are going
6 to keep this as general as it is, I'm sure we will be
7 getting quite a few questions, as we already have.

8 DIVISION CHIEF DE BIE: I think that would be
9 staff's preference to do it that way. Given this
10 discussion, the Committee would certainly bring in the
11 feed stock aspect to make sure that is described to
12 potential contractors as an aspect of the contract.

13 CHAIRPERSON MULÉ: Right. Okay.

14 COMMITTEE MEMBER BROWN: Move Resolution 2009-32.

15 COMMITTEE MEMBER KUEHL: Second.

16 CHAIRPERSON MULÉ: That was moved by Chair Brown,
17 seconded by Member Kuehl.

18 Please call the roll.

19 EXECUTIVE ASSISTANT DUCLO: Brown?

20 COMMITTEE MEMBER BROWN: Aye.

21 EXECUTIVE ASSISTANT DUCLO: Kuehl?

22 COMMITTEE MEMBER KUEHL: Aye.

23 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

24 CHAIRPERSON MULÉ: Aye.

25 And that item will be put on consent. Thank you.

1 Thank you, Mark. Thank you, Ken.

2 Our last item of the day, Ted.

3 DEPUTY DIRECTOR RAUH: Our last item is basically
4 a Committee briefing of the status of our Rigid Plastic
5 Packaging Container Program. And what we wanted to do was
6 provide you with the current status. There's a number of
7 activities outstanding in that program. And this issue
8 came up at last Board meeting, so we want to make sure
9 that we provide you with the latest status of the
10 regulation and other activities that are underway.

11 So I think Trevor, are you going to quickly
12 introduce the item and then we'll move on with our
13 briefing. Thank you.

14 (Thereupon an overhead presentation was
15 presented as follows.)

16 BRANCH MANAGER O'SHAUGHNESSY: Good afternoon,
17 Madam Chair and members of the Committee. My name is
18 Trevor O'Shaughnessy with the Minimum Content and
19 Compliance Section.

20 This presentation is, as Ted overviewed for us,
21 is to provide an overview of the Rigid Plastic Packaging
22 Container law as it is, as well as efforts that are being
23 taken to modify the existing regulations.

24 --o0o--

25 BRANCH MANAGER O'SHAUGHNESSY: As a general

1 overview, the current law is looking at resource
2 conservation, the diversion of plastic packaging material,
3 as well as supporting the overall markets for the
4 collected materials, the collection and processing
5 infrastructure itself, and also has a compliance and
6 enforcement section as well.

7 --o0o--

8 BRANCH MANAGER O'SHAUGHNESSY: Under the current
9 definition, the RPPC program includes plastic packaging
10 relatively of inflexible finite shape or form. It impacts
11 containers that are eight ounces by fluid or volume
12 capacity up to a maximum of five gallons by gallon liquid
13 or by volume. And it is capable of holding its shape
14 while holding the product.

15 --o0o--

16 BRANCH MANAGER O'SHAUGHNESSY: Not included in
17 the existing regulations are any products shipped outside
18 of California as well as those that are containing drug,
19 medical devices, cosmetic, food --

20 --o0o--

21 BRANCH MANAGER O'SHAUGHNESSY: -- as well as
22 insecticides, fungicides, rodenticides and any product
23 that is limited by federal law to have recycled content
24 within it.

25 --o0o--

1 BRANCH MANAGER O'SHAUGHNESSY: The definition of
2 RPPC can be somewhat broad, and staff is constantly
3 working on identifying and properly implementing the law.

4 Here are some different containers and/or
5 material types. On the far left would be the plastic bag
6 film product. So if you just had a film wrapped around a
7 product, that's not a regulated. But if you start getting
8 in a very rigid container or you go into a semi-rigid
9 container such as the ones on the far left, they are
10 regulated and impacted by the program.

11 At this point, I'd like to turn over the
12 microphone to Kathy Marsh. Kathy is going to give an
13 overview of the existing programs, the existing law,
14 implementation, as well as the revisions to the
15 regulations.

16 --o0o--

17 SUPERVISOR MARSH: Good afternoon, Madam Chair
18 and Board members. I'm Kathy Marsh with the Minimum
19 Consent Compliance Section.

20 Currently, every RPPC on average shall meet one
21 of the criteria. First of all, they must be made either
22 from 25 percent postconsumer material, or all RPPC
23 associated products, or all particular type RPPCs must
24 have a 45 percent recycling rate --

25 --o0o--

1 SUPERVISOR MARSH: -- be reusable or refillable
2 package, be a source reduced container, or contain floral
3 preservative and reuse, such as though you see used as a
4 florist shop. And a new law in place, the alternative
5 compliance option, which incorporates corporate ownership
6 has been added.

7 --o0o--

8 SUPERVISOR MARSH: Typical certification cycle.
9 Past practices have been based on Board direction, which
10 occurred at the December 14th, 2004, Board meeting.
11 Essentially, it just selects 100 companies.

12 And out of those 100 companies, it gives them
13 six months to go ahead and submit or notify someone that
14 they are selected. Gives them six months to develop the
15 certification.

16 And from that point on, we go ahead and analyze
17 everything and then provide the information to the Board
18 members and let them know whether or not they're in
19 compliance.

20 --o0o--

21 SUPERVISOR MARSH: Future certification practices
22 have yet to be determined. So far, since this program has
23 started, the Board has collected over \$300,000 in
24 penalties.

25 --o0o--

1 SUPERVISOR MARSH: Right now in our background
2 for the regulation revisions, since changes to the
3 statutes drive the need for revisions, staff needed to
4 revise them. The revisions include inequities in the
5 process. We have gone through a rulemaking process,
6 informal rulemaking process with workshops to our major
7 stakeholders, both in 2006 and 2007.

8 --o0o--

9 SUPERVISOR MARSH: With the informal rulemaking
10 workshops, staff went before the Board in November 2007
11 and was directed to start the formal rulemaking process
12 and to not conduct any certifications at that time until
13 the process has been completed.

14 --o0o--

15 SUPERVISOR MARSH: Issues and concerns staff is
16 addressing now in the revised regulations are the
17 modification of key definitions as set by statute in
18 changes within the law in 2004 or 2006.

19 Some of the other changes are also including
20 alternative container compliance, pre-certification
21 notification, which was developed because of stakeholders
22 meeting, as well as an advisory opinion item which also
23 has been developed because of the stakeholder meetings.

24 --o0o--

25 SUPERVISOR MARSH: Recently passed legislation

1 have changed key definitions. Essentially,
2 post-industrial plastic can no longer be counted as a
3 postconsumer plastic. Product manufacturer is considered
4 the ownership of the brand name as opposed to manufacturer
5 for rather than by.

6 --o0o--

7 SUPERVISOR MARSH: Changes in key definitions of
8 the RPPC has been changed within the post production
9 attributes such as one closure versus multiple closures
10 and caps, lids, and handles, which were not plastic
11 removed container as one that needs to be met by the law.

12 --o0o--

13 SUPERVISOR MARSH: This is a picture, and the
14 next picture also are examples of the inequities within
15 the law. Here we have two similar containers. One is
16 heat sealed and one is not. The heat sealed product could
17 not be counted as an RPPC at this time. Whereas with the
18 new regulations, we are hoping to be able to count them.

19 --o0o--

20 SUPERVISOR MARSH: And another example is two
21 buckets here. One has a plastic handle. One does not.
22 One is metal. The metal handle bucket is not considered
23 an RPPC. And we're hoping to address this inequity as
24 well.

25 --o0o--

1 SUPERVISOR MARSH: Also within the key
2 definitions is source reduction. Resin switching would
3 not be allowed as a compliance option.

4 --o0o--

5 SUPERVISOR MARSH: The alternative container
6 compliance methods which were changed or added within the
7 2006 statute.

8 Essentially, any California postconsumer material
9 can be used as an option for counting towards compliance
10 for the manufacturer's overall compliance.

11 --o0o--

12 SUPERVISOR MARSH: And the pre-certification
13 process. As mentioned, we currently give product
14 manufacturers six months' notice. And this would actually
15 extent the notification to two years.

16 --o0o--

17 SUPERVISOR MARSH: And the advisory opinions
18 process is again establishing a new process for a
19 manufacturer to request advisory opinions for the
20 Executive Director regarding its compliance.

21 The request would be received at a certain time,
22 and we have been given 60 days or will be given 60 days.

23 --o0o--

24 BRANCH MANAGER O'SHAUGHNESSY: Throughout the
25 efforts that staff has gone through to get here, there

1 have been significant stakeholder issues and concerns.
2 Some of those issues and concerns deals specifically with
3 the statute and the statute language. And they're beyond
4 the opportunity or the ability of the regulation revision
5 that we're going through at this time to address.

6 Some of these issues deal with postconsumer
7 material definition as to whether post industrial material
8 and postconsumer and where that fine line is.

9 The 25 percent requirement is considered too
10 stringent by some of those in the industry. And also the
11 concentration of a product when it's being made. An
12 example here is where Tide is now a concentrate. Rather
13 than being put in a full cup, you put in half a cup.
14 They're concentrating it, and there's issues and concerns
15 about that as a compliance option.

16 --o0o--

17 BRANCH MANAGER O'SHAUGHNESSY: The current status
18 of the formal rulemaking or the revision of the
19 regulations has been somewhat delayed over time due to
20 staff turnover within the overall program.

21 We've now fully staffed up. Staff have been
22 focusing on it, pulling together a very strong package so
23 when we go forward with the rulemaking process, we'll be
24 able to address all the concerns and issues the
25 stakeholders have as well as have a strong package that

1 the Board will be able to formally review.

2 --o0o--

3 BRANCH MANAGER O'SHAUGHNESSY: Currently, our
4 time line is that we're finalizing our survey data
5 collection for the economic analysis and fiscal analysis
6 that's required as part of it. We're anticipating to have
7 that final analysis done the end of February.

8 --o0o--

9 BRANCH MANAGER O'SHAUGHNESSY: From that, there
10 are control agencies that need to review the economic and
11 fiscal analysis, which include the Air Board, Cal/EPA and
12 the Department of Finance. And through that, we're hoping
13 to get through the Department of finance through and
14 within May of 2009.

15 --o0o--

16 BRANCH MANAGER O'SHAUGHNESSY: We submit the
17 formal package to the Office of Administrative Law where
18 they give us their final approval. If we get their
19 approval in June, we will begin the 45-day comment period
20 done the June/July period and have a 45-day comment period
21 and any necessary workshops in the August/September of
22 2009.

23 And from that, we will determine whether or not
24 we have a solid package or have to go out for additional
25 comments and revisions, et cetera.

1 --o0o--

2 BRANCH MANAGER O'SHAUGHNESSY: In summary, the
3 overall program as well as the revisions to the
4 regulations are looking to level the playing field through
5 the implementation of the current law and modifying the
6 current regulations to create that level field, is to
7 divert RPPCs from disposal, to support the collection and
8 infrastructure of postconsumer material, and establish
9 procedures to improve the compliance process as the
10 program moves forward.

11 --o0o--

12 BRANCH MANAGER O'SHAUGHNESSY: That concludes
13 staff's presentation. We're available for any questions.

14 CHAIRPERSON MULÉ: Thank you all. Appreciate it.

15 Do we have any questions for staff on this? Any
16 questions?

17 I just have one. On the pre-certification
18 process, it said product manufacturers will be notified
19 two years in advance of the year in which they will be
20 audited, if you will, for compliance.

21 BRANCH MANAGER O'SHAUGHNESSY: That's correct.

22 CHAIRPERSON MULÉ: As opposed to current practice
23 which is they were notified --

24 BRANCH MANAGER O'SHAUGHNESSY: Approximately
25 six months beforehand, they would get their notification

1 they were part of the pool. They're now --

2 CHAIRPERSON MULÉ: Prior year.

3 BRANCH MANAGER O'SHAUGHNESSY: For the prior
4 year. And now they're going to be told in two years you
5 will be part of the cycle. So it begin to not only
6 comply, but collect the appropriate information for that
7 upcoming time period.

8 CHAIRPERSON MULÉ: Very good. I'm really pleased
9 to see that.

10 DEPUTY DIRECTOR VAN KEKERIX: My recollection is
11 they're notified they're part of the group, part of the
12 pool.

13 CHAIRPERSON MULÉ: Right. Okay. So they will
14 know well in advance that they may be audited or -- if you
15 will.

16 And also the other piece, which I think is going
17 to be very helpful, is to present more of a clarification
18 in terms of what is covered under this law and what is
19 not.

20 Very good. Thank you for all your hard work on
21 this. I know it's been a long time coming. So I really
22 appreciate all of your efforts. Thank you.

23 Any other questions? Any comments from the
24 public?

25 With that, this meeting is adjourned. Thank you.

1 (Thereupon the California Integrated Waste
2 Management Permitting and Enforcement
3 Committee adjourned at 3:43 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 2nd day March, 2008.

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